

PATENT  
Customer No. 22,852  
Attorney Docket No. 7787.0041-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gerald W. FISCHER et al. ) Group Art Unit: 1616  
Serial No.: 10/601,171 ) Examiner: To be assigned  
Filed: June 23, 2003 )  
For: OPSONIC AND PROTECTIVE )  
MONOCLONAL AND )  
CHIMERIC ANTIBODIES )  
SPECIFIC FOR LIPOTEICHOIC )  
ACID OF GRAM POSITIVE )  
BACTERIA )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached. Applicants note that U.S. Patent Application 2002/0082395, listed on the enclosed PCT International Search Report, was already submitted to the Office in a prior Information Disclosure Statement in the instant application. Applicants respectfully request that the Examiner consider the listed

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documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

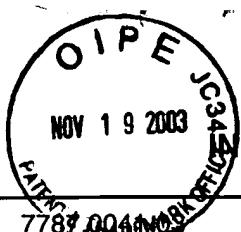
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 19, 2003

By: Maryann T. Puglelli  
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OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	7787 00441 WORKSHEET	Appln. No.	10/601,171
Applicant	Gerald W. FISCHER et al.		
Filing Date	June 23, 2003	Group:	1616

## U.S. PATENT DOCUMENTS

Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
		WO 96/39518	12-12-96	PCT			English Document
		WO 94/11026	5-26-94	PCT			English Document
		WO 97/26010	7-24-97	PCT			English Document
		WO 89/00999	2-9-89	PCT			English Document

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

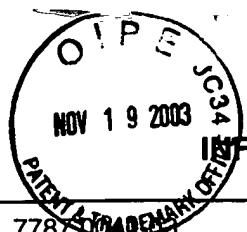
	PCT International Search Report, dated September 9, 2003.

Examiner \_\_\_\_\_ Date Considered \_\_\_\_\_

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449

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